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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/685,398

10/10/2000

James Richard Kraemer

RSW9-2000-0107-US1

7911

7590

05/18/2006

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EXAMINER

HAMILTON, LALITA M

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/685,398	<b>Applicant(s)</b> KRAEMER, JAMES RICHARD	
	<b>Examiner</b> Lalita M. Hamilton	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on February 24, 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Summary

On December 6, 2005, an Office Action was sent to the Applicant rejecting claims 1-31. On February 24, 2006, the Applicant responded with arguments.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones (7,016,870).

Jones discloses a method and corresponding system for rebalancing a portfolio comprising rebalancing a portfolio of assets to achieve optimality, transmitting to a customer an alert message for alerting an imbalance status of a customer's portfolio, and a list of recommended rebalancing transactions, to a customer, receiving from a customer a single response of the customer to the transmitted alert message, and automatically implementing the list of recommended rebalancing transactions based on the received customer's response (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38); transmitting step is performed via a first customer-defined communications method (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and

Art Unit: 3624

col.27, line 1 to col.28, line 38); automatically retransmitting the alert message and the list of recommended rebalancing transactions to the customer via a second customer-defined communications method if the step of transmitting via the first communications method was not successfully executed (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38); in the receiving step, the customer's response constitutes performing a single action by the customer (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38); the single action comprises one of the following: pressing a button, touching a portion of a screen, or speaking a sound (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38); verifying the identify of the customer prior to the implementing step (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38); verifying step is performed automatically by a computer system (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38); transmitting step, the alert message is generated based on an alert level set by the customer (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38); generating execution instructions based on the list of recommended rebalancing transactions and transmitting the execution instructions to an electronic trading system, whereby the list of recommended rebalancing transactions are electronically executed (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38); the receiving step, the customer's response is contained in a return e-mail from the customer, wherein the return e-mail includes a transaction number identifying the list of recommended rebalancing transactions (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27,

Art Unit: 3624

line 1 to col.28, line 38); the receiving step, the customer's response is received on paper, wherein the paper includes an optical for retrieving the list of recommended rebalancing transactions, and verification information for verifying the identity of the customer; retrieving the list of recommended rebalancing transactions, and verification information for verifying the identity of the customer (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38); in the receiving step, the customer's response is received as a voice sound, wherein the voice sound is recognized using a voice recognition device (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38); receiving step, the customer's response is received through a wireless communications network (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38); the receiving step, the customer's response is received from a financial kiosk (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38); retrieving step, the customer's response is received from a computer of the customer using a financial program installed on the computer (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38); addressing a certain status of an item, monitoring a current status of the item based on user-defined parameters, automatically triggering transmission of an alert message to a user based on the user-defined parameters if the current status of the item has shifted to a second status, receiving a single response of the user to the alert message, and automatically performing a plurality of predetermined actions in response to the single response from the user (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38); the triggering step, a list of the

Art Unit: 3624

predetermined actions is transmitted to the user along with the alert message (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38); and the item involves a portfolio of assets, and the performing step optimizes the portfolio (col.6, line 38 to col.7, line 35; col.12, lines 20-65; and col.27, line 1 to col.28, line 38).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

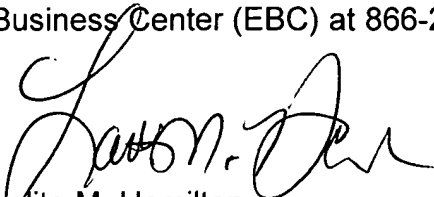
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lalita M. Hamilton  
Primary Examiner, 3624